

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 32875 of 2007(L)

**AGAINST THE ORDER DATED 17/07/2007 IN I.A 1234/2007 IN
OS.176/2007 OF MUNSIFF COURT, CHANGANACHERRY.**
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PETITIONER:

**VAZHAPPALLY GRAMA PANCHAYAT,
VAZHAPPALLY, CHANGANACHERRY, REPRESENTED
BY ITS SECRETARY, KURISUMMOOD P.O.-686 104.**

**BY ADV. SRI.V.G.ARUN,
ADV. SRI.T.R.HARIKUMAR.**

RESPONDENT:

**CHACKO SCARIA, SON OF SCARIA,
PONGANPUZHA HOUSE, CHEERAMCHIRA P.O.,
CHANGANACHERRY-686 106.**

**BY ADV. SRI.MATHEW JOHN,
ADV. SRI.AJEESH K.SASI.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

W.P.(C). NO.32875/2007-L:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE NOTICE C3-171/07 DT. 16/03/2007.

EXT.P.2: COPY OF THE NOTICE DTD. 16/04/2007.

**EXT.P.3: COPY OF THE PLAINT IN O.S. 176/2007 OF THE MUNSIF COURT,
CHANGANACHERRY DTD. 16/06/2007.**

EXT.P.4: COPY OF THE INJUNCTION ORDER DTD. 16/06/2007.

**EXT.P.5: COPY OF THE AFFIDAVIT AND PETITION FOR APPOINTING A COMMISSIONER
DTD. 26/06/2007.**

EXT.P.6: COPY OF THE ORDER IN I.A. 1234/2007 IN O.S. 176/2007.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

M.N. KRISHNAN, J.

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W.P.C. NO. 32875 OF 2007

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Dated this the 14th day of December, 2007.

J U D G M E N T

This writ petition is filed against the order of the Munsiff, Changanacherry in I.A.1234/07 in O.S.176/07. It is an application filed by the defendants in the suit for issuance of a Commission. The Court below found that they have not filed any objection to the interim application or written statement and therefore it postponed the date of hearing of the petition for issuance of a Commission and directed the defendants in the suit to file objections or written statement as the case may be. It is against that decision the present writ petition is filed. Meanwhile I am told that the suit is dismissed for default and an application for restoration is pending. In case the suit is restored back to file and when these applications are also revived I direct the defendants in the suit namely the writ petitioner herein to file the objections either on the interim application or file their

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written statement within a stipulated time and thereafter the Court can consider the application for issuance of the Commission and finally dispose of the interim application. The suit shall be proceeded with only after that.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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